attorneys for the parties herein, that the above-captioned matter be and hereby is discontinued with prejudice and without costs to any party, subject to re-opening within 60 days of the date of entry of the order in the event that the settlement is not concluded

Dated: New York, New York August 6, 2007

CASEY & BARNETT, LLC

Attorneys for Plaintiff

By: Martin

Martin F. Casey (MFC-1415)

317 Madison Avenue, 21st Floor

New York, New York 10017

(212) 286-0225

CICHANOWICZ CALLAN KEANE VENGROW & TEXTOR

Attorneys for Defendant

By:

Randolph H. Donatelli (RHD-5359)

61 Broadway, Suite 3000

New York, New York 10006-2802

(212) 344-7042

SO ORDERED:

Ú.S.D.J.

8/9/07